

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HILLARY LAWSON, KRISTINA
HALLMAN, STEPHANIE CALDWELL,
MOIRA HATHAWAY, MACEY SPEIGHT,
ROSEMARIE PETERSON, and LAUREN
FULLER,

Plaintiffs,

-against-

HOWARD RUBIN and JENNIFER POWERS,

Defendants.

Case No.: 1:17-CV-06404 (BMC)

**DECLARATION OF JOLÈNE F.
LAVIGNE-ALBERT IN SUPPORT
OF JENNIFER POWERS' MOTION
FOR SUMMARY JUDGMENT**

Pursuant to 28 U.S.C. § 1746, **JOLÈNE F. LAVIGNE-ALBERT** hereby declares the following to be true under the penalty of perjury:

1. I am an associate with Schlam Stone & Dolan LLP, counsel for Jennifer Powers. I submit this Declaration in support of Ms. Powers' Motion for Summary Judgment.
2. Unless otherwise specified, the matters set forth herein are based upon my personal knowledge.
3. I submit this declaration under seal in compliance with this Court's previous order.
4. Attached hereto as Exhibit 1 is a true and complete copy of a letter from Plaintiffs' counsel providing Plaintiffs' real names dated February 23, 2018.
5. Attached hereto as Exhibit 2 is a true and complete copy of the parties' Joint Stipulation Regarding the Production of Electronic Communications dated December 13, 2018.
6. Attached hereto as Exhibit 3 is a true and complete copy of the parties' Joint Stipulation Regarding Payments Made by Defendants to Plaintiffs dated December 13, 2018.

7. Attached hereto as Exhibit 4 is a true and complete copy of the Plaintiffs' Responses and Objections to Powers' Requests for Admission dated June 15, 2018.

8. Attached hereto as Exhibit 5 is a true and complete copy of the excerpts of the Deposition of Jennifer Powers dated October 16, 2018.

9. Attached hereto as Exhibit 6 is a true and complete copy of the excerpts of the WhatsApp Chat between Howard Rubin and Jennifer Powers.

10. Attached hereto as Exhibit 7 is a true and complete copy of Powers' Call Logs from the relevant time period.

11. Exhibits 8 through 18 pertain to plaintiff [REDACTED], proceeding pseudonymously in this action as Kristina Hallman.

12. Attached hereto as Exhibit 8 is a true and complete copy of excerpts of the Deposition of [REDACTED] Kristina Hallman dated September 12, 2018.

13. Attached hereto as Exhibit 9 is a true and complete copy of the Confidentiality Agreement and Release signed by Ms. [REDACTED] Hallman on August 22, 2016.

14. Attached hereto as Exhibit 10 is a true and complete copy of the [REDACTED] Kristina Hallman - Jennifer Powers WhatsApp Chat dated August 17, 2016 to May 30, 2017.

15. Attached hereto as Exhibit 11 is a true and complete copy of an excerpt of a WhatsApp Group Chat between [REDACTED] Hallman, Hillary Lawson, Rubin, and [REDACTED] dated August 17, 2016.

16. Attached hereto as Exhibit 12 is a true and complete copy of the [REDACTED] Hallman - [REDACTED] Powers WhatsApp Group Chat dated December 6, 2016 to December 7, 2016.

17. Attached hereto as Exhibit 13 is a true and complete copy of the [REDACTED] Hallman - [REDACTED] Powers WhatsApp Group Chat dated May 29, 2017 to May 30, 2017.

18. Attached hereto as Exhibit 14 is a true and complete copy of the [redacted] - Powers WhatsApp Group Chat dated October 13, 2016 to October 20, 2016.

19. Attached hereto as Exhibit 15 is a true and complete copy of an email from Powers to [redacted] dated August 18, 2016.

20. Attached hereto as Exhibit 16 is a true and complete copy of an email from Powers to [redacted] and [redacted] dated September 22, 2016.

21. Attached hereto as Exhibit 17 is a true and complete copy of an email from Powers to the concierge desk at [redacted] dated September 24, 2016.

22. Attached hereto as Exhibit 18 is a true and complete copy of an email from Powers to [redacted] and [redacted] dated October 16, 2016.

23. Exhibits 19 through 25 pertain to plaintiff [redacted], proceeding pseudonymously in this action as Hillary Lawson.

24. Attached hereto as Exhibit 19 is a true and complete copy of excerpts of the Deposition of [redacted] Hillary Lawson dated September 25, 2018.

25. Attached hereto as Exhibit 20 is a true and complete copy of the Confidentiality Agreement and Release signed by Ms. [redacted] Lawson on August 22, 2016.

26. Attached hereto as Exhibit 21 is a true and complete copy of the [redacted]-Powers WhatsApp Chat dated August 17, 2016 to December 21, 2016.

27. Attached hereto as Exhibit 22 is a true and complete copy of an email from Powers to [redacted] Lawson dated August 18, 2016.

28. Attached hereto as Exhibit 23 is a true and complete copy of a text message from [redacted] Lawson to Powers, dated December 21, 2016.

29. Attached hereto as Exhibit 24 is a true and complete copy of a social media post uploaded by [REDACTED] on December 25, 2016.

30. Attached hereto as Exhibit 25 is a true and complete copy of the medical notes of Dr. [REDACTED] regarding [REDACTED] dated August 1, 2015 to the present.

31. Exhibits 26 through 56 pertain to [REDACTED], proceeding pseudonymously in this action as Macey Speight.

32. Attached hereto as Exhibit 26 is a true and complete copy of excerpts of the Deposition of [REDACTED] Macey Speight dated October 23, 2018.

33. Attached hereto as Exhibit 27 is a true and complete copy of the Confidentiality Agreement and Release signed by [REDACTED] Speight on October 12, 2015.

34. Attached hereto as Exhibit 28 is a true and complete copy of [REDACTED] Speight's Responses and Objections to Rubin's Requests for Admission dated September 17, 2018.

35. Attached hereto as Exhibit 29 is a true and complete copy of the [REDACTED] Speight-Powers WhatsApp Chat, Part 1, dated October 11, 2015 to May 26, 2017, with select media.

36. Attached hereto as Exhibit 30 is a true and complete copy of the [REDACTED] Speight-Powers WhatsApp Chat, Part 2, dated July 24, 2017 to February 21, 2018.

37. Attached hereto as Exhibit 31 is a true and complete copy of excerpts of the [REDACTED] Powers WhatsApp Chat dated October 10, 2015 to October 12, 2015.

38. Attached hereto as Exhibit 32 is a true and complete copy of an email from Powers to [REDACTED] Speight dated October 11, 2015.

39. Attached hereto as Exhibit 33 is a true and complete copy of an email from Powers to [REDACTED] Speight dated November 13, 2015.

40. Attached hereto as Exhibit 34 is a true and complete copy of an email from Powers to Speight dated January 3, 2016.

41. Attached hereto as Exhibit 35 is a true and complete copy of an email from Powers to Speight dated January 26, 2016.

42. Attached hereto as Exhibit 36 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated January 27, 2016.

43. Attached hereto as Exhibit 37 is a true and complete copy of the record of the PayPal payment made to Speight by Powers on January 29, 2016.

44. Attached hereto as Exhibit 38 is a true and complete copy of an email from Powers to Speight dated April 23, 2016.

45. Attached hereto as Exhibit 39 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated April 25, 2016.

46. Attached hereto as Exhibit 40 is a true and complete copy of an email from Speight to Powers dated June 23, 2016.

47. Attached hereto as Exhibit 41 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated June 27, 2016

48. Attached hereto as Exhibit 42 is a true and complete copy of an email from Powers to Speight dated August 1, 2016.

49. Attached hereto as Exhibit 43 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated August 2, 2016.

50. Attached hereto as Exhibit 44 is a true and complete copy of an email from Powers to Speight dated August 3, 2016.

51. Attached hereto as Exhibit 45 is a true and complete copy of an email from Powers to Speight dated September 26, 2016.

52. Attached hereto as Exhibit 46 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated September 27, 2016.

53. Attached hereto as Exhibit 47 is a true and complete copy of an email from Powers to Speight dated November 20, 2016.

54. Attached hereto as Exhibit 48 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated November 21, 2016.

55. Attached hereto as Exhibit 49 is a true and complete copy of an email from Powers to Speight dated January 28, 2017.

56. Attached hereto as Exhibit 50 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated January 27, 2017.

57. Attached hereto as Exhibit 51 is a true and complete copy of an email from Powers to Speight dated May 20, 2017.

58. Attached hereto as Exhibit 52 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated May 24, 2017.

59. Attached hereto as Exhibit 53 is a true and complete copy of an email from Powers to Speight dated July 24, 2017.

60. Attached hereto as Exhibit 54 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED] dated July 24, 2017.

61. Attached hereto as Exhibit 55 is a true and complete copy of the Speight-Powers iMessages dated February 21, 2018.

62. Attached hereto as Exhibit 56 is a true and complete copy of the transcription of a voice mail message that was produced by Ms. Powers in discovery in this case, bearing bates JP_0000743. I have personally listened to the voice mail message and I hereby certify that the transcription attached hereto is complete and accurate.

63. Exhibits 57 through 62 pertain to [REDACTED], proceeding pseudonymously in this action as Moira Hathaway.

64. Attached hereto as Exhibit 57 is a true and complete copy of excerpts of the Deposition of Moira Hathaway dated September 20, 2018.

65. Attached hereto as Exhibit 58 is a true and complete copy of the Confidentiality Agreement and Release signed by Ms. [REDACTED] Hathaway on January 21, 2015.

66. Attached hereto as Exhibit 59 is a true and complete copy of the [REDACTED] -Powers WhatsApp Chat, Part 1, dated May 5, 2015 to June 13, 2017, with relevant media.

67. Attached hereto as Exhibit 60 is a true and complete copy of the [REDACTED] -Powers WhatsApp Chat, Part 2, dated January 13, 2016 to May 4, 2016.

68. Attached hereto as Exhibit 61 is a true and complete copy of a confirmation email from American Airlines to Powers regarding plane tickets for [REDACTED] Hathaway dated May 16, 2015.

69. Attached hereto as Exhibit 62 is a true and complete copy of an email from Powers to the concierge desk at [REDACTED], dated June 11, 2017.

70. Exhibits 63 through 65 pertain to [REDACTED], proceeding pseudonymously in this action as Lauren Fuller.

71. Attached hereto as Exhibit 63 is a true and complete copy of excerpts of the Deposition of Lauren Fuller, [REDACTED], dated October 18, 2018.

72. Attached hereto as Exhibit 64 is a true and complete copy of excerpts of the [REDACTED]

[REDACTED]-Powers WhatsApp Chat, dated March 7, 2016 to March 10, 2016.

73. Attached hereto as Exhibit 65 is a true and complete copy of excerpts of text messages between Lauren Fuller and [REDACTED], dated March 6, 2016 through March 7, 2016.

Dated: New York, New York
February 13, 2018



JOLÈNE F. LAVIGNE-ALBERT